

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

229533

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

May 18, 2011

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

MAY 18 2011

Part of
Public Record

Re: **Docket No. AB-303 (Sub-No. 18X)**
Wisconsin Central Ltd. - Abandonment
Exemption - In Polk County, Wisconsin

Dear Ms. Brown:

By decision served March 13, 1998, the Board authorized Wisconsin Central Ltd. ("WCL") to abandon a line of railroad extending from milepost 47.83 to milepost 63.08 in Polk County, Wisconsin, subject to a Notice of Interim Trail Use. The segment from milepost 49.6 to milepost 63.08 was sold pursuant to 16 U.S.C. § 1247 in 2003. Pursuant to a series of STB decisions, the most recent served December 27, 2010, the segment from milepost 47.83 to milepost 49.6 remains under an NITU that expires July 3, 2011.

The Wisconsin DNR and Polk County have indicated to WCL that they do not wish to extend the NITU for the segment from milepost 47.83 to milepost 49.6 when it expires on July 3, 2011. Therefore, WCL would have until September 2, 2011 to file a notice of consummation of the abandonment on that segment.

As noted in previous correspondence to the STB in this docket (see letter of Kathleen Chung, Counsel for WisDOT, dated January 25, 2010), there is a potential quarry operation that is going through a permitting process and may have a need for rail service on the segment from milepost 47.83 to milepost 49.6. Therefore, WCL is electing to exercise only discontinuance authority on that segment and not, at this time, full abandonment authority. See BNSF Railway Company – Abandonment Exemption – In Hamilton and Merrick Counties, NE, Docket No. AB-6 (Sub-No. 408X) (STB served August 26, 2008). This letter serves as notice of WCL's consummation of that discontinuance of service.

In order to see if the quarry development continues to progress toward fruition, WCL hereby requests a one-year extension of the deadline for consummation of abandonment on

FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown
May 18, 2011
Page 2

the segment from milepost 47.83 to milepost 49.6. So long as it remains unabandoned, the segment is a line of railroad subject to STB authority on which service can be reactivated, therefore ensuring the possibility of rail service for this proposed quarry. Keeping a line segment in a discontinued but not abandoned state while determining if a pending project may develop is consistent with prior STB/ICC precedent. See CSX Transportation, Inc. – Discontinuance of Service Exemption – In Jefferson and Indiana Counties, Pennsylvania, Docket No. AB-55 (Sub-No. 457X) (ICC served November 17, 1993) (CSX chose to discontinue but not abandon a line in the hopes that coal traffic would develop in the future). At the same time, allowing WCL an extension to consummate the abandonment on the segment should the quarry not materialize would advance the statutory goals set forth at 49 U.S.C. § 10101(7), by reducing a barrier to entry and exit of service from the segment where no rail service has taken place in at least thirteen years.

Therefore, when the NITU on the segment from milepost 47.83 to milepost 49.6 expires on July 3, 2011, thus giving WCL until September 2, 2011 to file a notice of consummation of abandonment, WCL respectfully requests an extension of the time to consummate abandonment of the segment to September 2, 2012.

Please contact me if you have questions.

Very truly yours,



Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

MJB:tjl

cc: Ms. Kathleen Chung, WisDOT (via facsimile (608) 267-6734)